

COMMITTEES ORDINANCE
Ordinance # 07-150-08

Article I. Purpose and Findings

1.01. *Purpose.* The purpose of this Ordinance is to create committees that collect information to assist the Tribal Council in its legislative responsibilities.

1.02. *Findings.* the Tribal Council finds that,

- a. The Constitution allows for the creation of regulatory commissions and subordinate subdivisions; and
- b. There is a need for the creation of committees with specific delegated responsibility to collect and organize information to assist the Tribal Council in understanding, identifying or addressing the needs of the Tribal membership and the community.

Article II. Adoption, Repeal, Severability

2.01. *Adoption.* This Ordinance #07-150-08 is adopted by the Tribal Council by Resolution # 07-0919-502.

2.02. *Amendment.* This Ordinance may be amended in accordance with the procedures set forth in the Administrative Procedures Act - Ordinances.

2.03. *Repeal.* This Ordinance may be repealed in accordance with the procedures set forth in the Administrative Procedures Act – Ordinances.

2.04. *Severability Clause.* If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

2.05. *Superseding Existing Actions Regarding Committees.* If any provision of this Ordinance, or its application, conflicts with any actions creating committees, this Ordinance shall govern.

Article III. Definitions.

3.01. *Definitions.* For purposes of this Ordinance, certain terms are defined in this Article. The word Ashall@ is always mandatory and not merely advisory.

3.02. *ACommittee@* means an entity of the Tribe created under Article IV, section 7(f) whose purpose is to obtain and organize information to assist the Tribal Council in carrying out its responsibilities.

3.03. *ACreating Resolution@* means the resolution by which the Tribal Council adopts the work plan of a committee and delegates authority and responsibility to that committee.

3.04. *AWork Plan@* means an organizational document created and approved by a committee, and approved through adoption of a resolution by the Tribal Council.

Article IV. General

4.01. *Entities Covered by this Ordinance.* Committees shall be created and governed by the direction and requirements set forth in this Ordinance.

4.02. *Exceptions.* Committees may be created with exceptions to the requirements in this Ordinance, provided that, any exceptions shall be specifically noted in the creating resolution.

4.03. *Creation.* All entities shall be created by resolution approving and adopting work plans for committees. A committee of the Tribe is created under authority of the Tribal Council set forth in the Constitution.

4.04. *Committees.* Committees are created to gather public comment and organize that information to be submitted to the Tribal Council.

a. *Authority.*

1. A committee shall be granted authority to hold hearings and collect information.
2. No committee shall have the authority to act, represent or otherwise commit the Tribe, its resources or set policy on behalf of the Tribe unless it is specifically delegated such authority in creating resolutions.

Article V. Work Plans

5.01. *Creation Documents.* All committees shall have two creation documents. The creation documents shall be a resolution and a work plan.

5.02. *Committee Work Plans.* All committees shall have work plans that contain at least the following minimum elements, in the order set forth in this section. There may be other elements within work plans, provided that, all work plans are subject to the limitations of the creating resolution and any conflict with the creating resolution or this Ordinance shall be resolved in favor of the creating resolution first, and this Ordinance second.

a. *Paragraph 1 - Title; Authority; Purpose.* This paragraph shall identify the official name of the committee, as well as any short title that may be utilized. In addition, this paragraph shall identify the authority, or creating resolution and any amendments that may have been made. Finally, this paragraph shall set forth the purpose of the committee.

b. *Paragraph 2 - Members.* This paragraph shall identify the number of members, the qualifications of the members and length of the terms of members.

c. *Paragraph 3 - Purpose; Direction.* This paragraph shall set forth the information collecting duties of the committee, and shall include directions on how these duties shall be carried out. Provided that, unless specifically identified otherwise, no committee, by virtue of creation or adoption of work plans, shall be granted authority to receive, request, or in any other manner obtain confidential material which it would not ordinarily receive. Further, no committee shall have the authority to review, regulate or otherwise direct a department, and/or its staff, whether in relation to the activities of the committee or otherwise.

d. *Paragraph 4 - Length of Existence.* This paragraph shall identify the length of existence of the committee as stated in the creating resolution. If no length of existence is identified, the committee shall be created for two years or until the next general election, whichever is longer. This paragraph shall contain the following sections:

1. *Amendment.* This work plan shall be reviewed on an annual basis by the Committee for amendments. All amendments must be presented at least one meeting prior to action and must be adopted by two-thirds vote of the members present. Amendments are final when presented and approved by the Tribal Council through a resolution created and submitted by the Committee.

2. *Repeal.* This work plan may be repealed by the presentation of a request to the Tribal Council by the Committee in the form of a resolution containing the reasons a repeal of the work plan is necessary. The Committee must approve the repealing resolution by a two-thirds vote of the members present. Further, the Tribal

Council may unilaterally repeal the work plan by repeal of the creating resolution or by adoption of a resolution calling for the repeal of the Committee's work plan.

e. *Certification.* At the end of the all work plans, the following certifications shall be added:

1. I, [name], as Chairperson/Secretary of the [name of committee] do hereby certify that the [name of committee] adopted this work plan at a duly called meeting. This statement shall be dated and signed.
2. I, [name], as Tribal Council Recorder do hereby certify that the Tribal Council at a meeting call on [date] adopted this work plan. This statement shall be dated and signed.

Article VI. Membership

6.01. *General.* Committee members shall be appointed as set out in this Section. Terms of Committee members shall begin on September 21 and end on September 20 at midnight, regardless of when appointed or sworn into office. A Committee member shall be officially appointed when approved by the Tribal Council. A Committee member shall have the authority of office when the oath of office is taken.

6.02. *Employees of Tribe.* The Tribal Council finds that responsibilities as a Committee member impacts responsibilities in employment with the Tribe, and that affecting employment with the Tribe generally involves programs, services to membership, or necessary support services to other programs which must be carried out in a timely manner. As a result, this section sets forth restrictions regarding Committee members, and individuals who may be appointed as Committee members.

- a. Employees who are directors/supervisors/managers of departments of the Tribe or Casino are ineligible for appointment as a member of a Committee.
- b. Committee members who accept employment with the Tribe as defined in subsection (a) shall be required to resign at the beginning of the first meeting following acceptance of employment.
- c. Any Committee to which employees, other than those prohibited in paragraph (a), are appointed, shall not meet during the normal working hours of the Tribe in order to avoid disruption to Tribal programs, and confusion regarding employment and commission responsibilities by the employee and the general public.
- d. Individuals who are employed, or become employed, in any capacity in the area regulated by a Committee shall be ineligible to serve on that Committee or be appointed to that Committee.

6.03. *Hold-over Policy.* There is a recognized policy of the Tribe that a Committee member shall serve in his or her position upon appointment and until the end of the term. Provided that, a Committee member shall continue to serve in his or her capacity as a Committee member after the completion of a term, and for no longer than 90 days, to allow for a new Committee member to be appointed and sworn in. In which case, the Committee member shall serve with all the powers of a Committee member until such time as a replacement is sworn in, or for 90 days, whichever is shorter. Provided further that, a Committee member whose term is concluded, and who is subsequently denied re-appointment, shall not continue in a hold-over capacity and the term shall be

concluded upon the adoption of a motion by Tribal Council to deny re-appointment.

6.04. *Term of Office - Vacancies.* Any individual appointed to a Committee shall fill the term of the vacant office. Provided that, appointment to a vacancy for which a term of office has less than six months remaining, shall be appointed for the remainder of the vacant term and a full term of office thereafter.

6.05. *Committee Membership.* All Committee members shall be chosen as set forth in this section.

a. *Number and Term of Office.* Committees shall have five or seven members, but in all cases shall state a specific number of members. Committee members shall serve four year terms, provided that the Tribal Council may authorize longer terms.

b. *Posting.* Vacancies on a Committee shall be posted in the tribal newspaper, or other notice provided to the membership, at least thirty days prior to submission of a recommendation by Tribal Council. All applications shall be received by the Tribal Council recorder.

c. *Recommendation by Tribal Council.* The Tribal Council shall review all applicants and recommend a nominee for approval. The recommendation shall contain the following information.

1. Name of individual.

2. Name of Committee and identification of qualifications for the Committee to which the individual is being nominated.

3. Identification of the term of office which shall include the start date as well as the term ending date. If applicable, there shall also be identified that this nomination fills a vacant term.

4. Copies of the following documents.

A. Application or other resource utilized by the Tribal Council to review the qualifications and determine that the individual should be nominated.

B. Copy of notice of vacancy which shall include the date on which it was posted.

d. *Interview by Tribal Council.* The Tribal Council may request the nominee to attend a Tribal Council meeting, in closed session if required, to participate in an interview. Such request shall be by motion, and the nominee shall be notified by letter of the date and time of the interview. The Tribal Council shall identify the questions to be asked of the nominee and approve them prior to the interview. Such questions shall be asked by the Tribal Council Speaker, or other representative nominated by the Tribal Council.

e. *Acceptance of Recommendation.* If the nominee is approved by the Tribal Council, the appointment shall be approved by motion of Tribal Council.

f. *Non-Acceptance of Recommendation.* If the nominee is not approved by the Tribal Council, the reasons why the recommendation is unacceptable shall be placed in the record.

6.06. *Resignation.* A Committee member may resign by submitting, in writing, a document which states that the Committee member is resigning from the Committee by submitting such document to the Chairperson or Secretary of the Committee. Letters of resignation shall be forwarded to the Tribal Council Speaker by the Chairperson or Secretary of the Committee upon receipt. No resignation shall allow the Committee member to resign on a date longer than 30 days after the letter of resignation is submitted. Letters of resignation are effective upon submission and may not be

withdrawn once submitted.

6.07. *Removal - by Committee.* A Committee member may be removed by a Committee as set forth in this section.

a. *Cause for Removal.* The following action, and inaction as may be applicable, may be cause for removal.

1. Failure to attend at least three meetings during a six month period.
2. Unethical behavior in conjunction with the activities of the Committee –
 - A. which reflect on the qualifications to be a Committee member; or
 - B. which reflect negatively on the Committee or its duties and responsibilities.
3. After appointment, an action, activity or other change in circumstance which would have made a Committee member ineligible to be appointed after he or she is appointed.
4. Neglect of duties and responsibilities.
5. Specific causes for removal as may be set forth in the creating ordinance.

b. *Committee Hearing and Determination.* The Committee shall provide notice to the Committee member subject to removal at least seven days prior to the meeting at which the removal hearing will be conducted. The Committee shall allow hearings to be rescheduled at the request of the Committee member subject to removal to allow for witnesses or other evidence to be made available. The Committee shall allow the Committee member subject to removal representation of his or her choice at his or her expense. Further, the Committee shall allow all Committee members, as well as the Committee member subject to removal, or his or her representative, to question any or all witnesses called to present testimony.

1. *Notice.* The notice presented to the committee member subject to removal must contain the name and address of the Committee member, date sent, date removal hearing will be scheduled, and identification of the reasons for removal, including any witnesses or copies of any evidence.
2. *Decision.* The Committee shall issue a decision within 14 calendar days of the completion of the hearing in the form of a resolution. Such resolution shall identify in the Whereas sections the date of the hearing, the Committee members present, whether the Committee member subject to removal appeared, a statement of facts relied upon, and the reasons for removal. Further, the resolution shall contain in the Resolved section(s) the decision of the Committee.

c. *Removal Determination Resolution.* The removal resolution, whether to remove or not, shall be approved by the Committee by majority vote and be submitted to the Committee member subject to removal and the Tribal Council.

d. *Appeal.* The Committee member subject to removal may appeal a decision by the Committee to remove him or her to the Tribal Council. Such appeal shall be in writing and delivered within 7 calendar days of the approval of the removal resolution by the Committee to the Tribal Council Recorder. The appeal request must state why he or she is appealing and any evidence or testimony which may support the appeal. The Tribal Council shall review the appeal and the removal resolution as set forth in the Removal Rules and Procedures

Ordinance, Ordinance # 01-100-07.

6.08. *Removal - by Tribal Council.* A Committee member may be removed by the Tribal Council as set forth in this section.

a. *Cause for Removal.* The following action, and inaction as may be applicable, may be cause for removal.

1. Unethical behavior in conjunction with the activities of the Committee –
 - A. which reflect on the qualifications to be a Committee member; or
 - B. which reflect negatively on the Committee or its duties and responsibilities.
2. After appointment, an action, activity or other change in circumstance which would have made a Committee member ineligible to be appointed after he or she is appointed.
3. Neglect of duties and responsibilities.
4. Specific causes for removal as may be set forth in the creating ordinance.

b. *Tribal Council Hearing and Determination.* The Tribal Council, through the Councilor liaison, shall provide notice to the Committee member subject to removal at least seven days prior to the meeting at which the removal hearing will be conducted. The Tribal Council may allow hearings to be rescheduled at the request of the Committee member subject to removal to allow for witnesses or other evidence to be made available. The Tribal Council may allow the Committee member subject to removal representation of his or her choice at his or her expense. Further, the Tribal Council may allow all Councilors, and the Committee member subject to removal, or his or her representative, to question any or all witnesses called to present testimony. The Tribal Council is not required to provide notice to a Committee of, nor required to allow participation of a Committee in, action taken under this section.

1. *Notice.* The notice presented to the Committee member subject to removal must contain the name and address of the Committee member subject to removal, date sent, date removal hearing will be scheduled, and identification of the reasons for removal, including any witnesses or copies of any evidence.

2. *Decision.* The Tribal Council shall issue a decision within 14 calendar days of the completion of the hearing in the form of a resolution. Such resolution shall identify in the Whereas sections the date of the hearing, whether the Committee member subject to removal appeared, a statement of facts relied upon, and the reasons for removal. Further, the resolution shall contain in the Resolved section(s) the decision of the Tribal Council.

c. *Removal Determination Resolution.* The removal resolution, whether to remove or not, shall be approved by the Tribal Council by majority vote and be submitted to the Committee member subject to removal.

d. *Appeal.* There is no appeal of a decision of the Tribal Council taken under this section.

Section 7. Records of the Committee

7.01. *General.* Committees shall keep minutes and make reports as set forth in this Section. No Committee may be authorized to maintain less than the required minutes and records, or provide less

than the number of reports set forth herein. All records shall be maintained by the Tribal Council.

7.02. *Records.* Committees shall maintain records in an orderly fashion, and where applicable, in a confidential manner. All records are the property of the Tribe and shall be surrendered upon conclusion of the Committee's activities. Records are also considered public documents, provided that confidential records pertaining to contracts, litigation, personnel, or personal matters shall remain confidential and non-public documents. Committees with confidential documents must maintain a document organization that either separates or clearly identifies confidential documents not for public review, and must note within the main body of the records where confidential documents have been sealed or removed.

7.03. *Minutes.* Committees shall maintain minutes which identify the Committee members present, guests, the date, beginning and ending time, and place of the present meeting, and the date time and place of the next regular meeting. Further, minutes shall contain each motion acted upon, and the roll call vote. Minutes shall also contain the body of any resolution adopted, and the roll call vote regarding that resolution. Committees may determine whether minutes should contain summaries or abstracts of the discussion which took place. All Committees shall record each meeting and maintain such recording for one year.

7.04. *Reports.* Committees shall file a written report with the Tribal Council once per month at a meeting to be designated by the Tribal Council. Such designated meeting shall be included in the resolution adopting the Tribal Council meeting schedule. Unless identified otherwise, the meeting shall be the fourth Wednesday of the month meeting. Reports shall include the following information with the designated titles, and any other information that the Committee may determine to be necessary.

a. *Name, Purpose, Officers.* A paragraph which identifies the name of the Committee, a summary of the purpose of the Committee, and the officers of the Committee. The full membership may be identified.

b. *Activities During Past Month.* This paragraph shall contain information regarding important or significant activities during the past month. This should be explanatory, rather than a listing of meetings, hearings, etc.

c. *Concerns; Requests.* This paragraph shall identify any concerns that have been identified during the past month, and may include, by way of example and not limitation – amendments to creating documents, processes reviewed or monitored, amount or limitations on authority, etc. In addition, this paragraph shall contain a subsection which identifies any specific requests the Committee may have of the Tribal Council. These requests should be clearly stated so as to identify the action needed, and any necessary follow-up from that action.

d. *Attachments.* There shall be listed in this paragraph the attachments to the report.

1. A list of every meeting, whether regular or special, that was held during the past month and whether or not the minutes are attached.

2. The report shall include an original of open and closed minutes from all meetings that have been approved since the prior report.

3. The report shall include all resolutions that have been adopted since the last report.

7.05. *Motions; Resolutions.* Committees shall take official action by either motion or resolution.

Motions shall be clearly stated and take effect upon adoption, whether or not the minutes have been approved. Resolutions shall be numbered consecutively with the following system – [initials of commission]-[year]-[resolution number] – and certified by the secretary of the Committee.

Section 8. Stipends

8.01. *General.* All stipends or salaries shall be authorized as set forth herein. Provided that, Committees may request adjustments to stipends or salaries by resolution.

8.02. *Stipends.* Committee members are required to participate in all meetings and activities. To offset the costs of such participation, stipends are paid to the Committee members. A stipend is intended to cover the costs of attendance, mileage to and from a meeting, meals, and other related expenses to attend a meeting. Committee members shall be paid a stipend in an amount to be set by Tribal Council Resolution, which shall also include the maximum number of monthly stipends allowed. The Tribal Council may approve, by resolution, that additional meetings may be held by the Committee for each month. Any proposed Resolution shall clearly describe the circumstances which require addition meeting(s).

8.03. *Payment of Stipend.* To receive a stipend, a Committee must submit the following form to the Tribal Council Recorder's office. Failure to timely submit paperwork will result in the payment being made the next check run as that schedule is set by the Accounting Department.

a. *Stipends.* Committees must submit a form to the Tribal Council Recorder which identifies the date of the meeting, each member present, and the amount of the stipend to be paid to each member which shall be signed by the Chairperson and Secretary, or other two officers of the Committee.

b. *Form of Stipend Request.* The form shall be as follows.

[Name of Committee]

[Date of Meeting]

Members Present at Meeting

1.	5.
2.	6.
3.	7.
4.	

The stipend for this Committee is \$_____ and is paid from budget/line #_____.

Meeting - Beginning time _____ Ending time _____

Certification

By the officers signatures below, this Committee certifies that the meeting identified above took place and the members listed were present and that the stipend should be paid to the members present.

Signature/Date

Signature/Date

8.04. *Failure to Comply with Requirements – Resolutions, Minutes, Reporting.* A Committee which does not maintain resolutions and minutes in accordance with sections 7.02, 7.03 and 7.05, or fails to report as required in section 7.04, at the discretion of the Tribal Council, may have stipends withheld until such time as the Committee complies. Upon compliance, the Tribal Council shall release the payment of stipends to the Committee. Such action by the Tribal Council shall be in the form of a resolution which clearly states the reasons for which the Committee has been found to be in noncompliance, and what steps can be taken to come into compliance. Such resolution may set reasonable deadlines for action. Upon adoption of the resolution, an original shall be forwarded to the Chairperson of the Committee, and a copy shall be forwarded to the Accounting Department as notice to hold requests for the payment of stipends.

Section 9. Oath of Office

9.01. *General.* All Committee members shall take an oath of office. No authority to act as a Committee member shall be conferred until the oath is taken by the Committee member. The Tribal Council Speaker shall give all oaths of office and cause to be delivered to the individual two signed copies of the oath. One of the signed originals shall be provided to the Tribal Council Recorder.

9.02. *Committees.* The oath of office for Committee members shall be in the format identified below.

[Name of Committee]

Oath of Office

I, [name], being duly appointed by the Tribal Council and my nomination approved by the Tribal Council, do hereby solemnly swear and affirm to uphold the Constitution and laws of the Little River Band of Ottawa Indians and to carry out my responsibilities as a member of [name of Committee] with the utmost care and professionalism and in accordance with the by-laws and directives of the [name of Committee].

Signed and sworn before me this ____ day of _____, 200__,

Term Begins:

Term Ends:

Member

Tribal Council Speaker

9.03. *Confidentiality.* Upon appointment, and at the first meeting of the Committee during which the new member is present, the Committee shall require a confidentiality statement to be signed and

filed with the Committee's records. Such confidentiality statement shall include the records of the Committee, and the limits or requirements for accessing confidential records.

9.04. *Conflict of Interest.* Upon appointment, and at the first meeting of the Committee during which the new member is present, the Committee shall require a conflict of interest statement to be signed and filed with the Committee's records. Such conflict of interest statement shall identify what is a conflict of interest and the processes by which a member must notify the Committee that a conflict of interest has evolved.

Section 10. Conflict of Interest

10.01. *General.* The Little River Band of Ottawa Indians encourages all members to participate in the governmental activities of the Tribe, especially as members of Committees. However, it is also recognizes that some members may have conflicts of interest arising out of personal or economic relationships that should be avoided so as to maintain a high degree of public trust in the governmental decisions and activities.

10.02. *Conflict of Interest; Defined.* A conflict of interest is defined as a reasonable foreseeability that any personal or economic interest of a Committee member will be affected in any materially different manner from the interests of the general public, by any decision, enactment, agreement, award or other official action or function of any Committee of the Tribe. It is the intention of the Tribe that Committee members should disclose potential conflicts of interest as soon as possible and as set forth in this Section.

a. "Economic interest" means an interest held by a person, or member of the Committee member's immediate family, or a business in which the person, or members of the Committee member's immediate family, has a direct or indirect ownership amounting to 20% or more of such business, which is:

1. Any ownership, income, investment, security, or other beneficial interest in a business; or
2. Any employment or prospective employment for which negotiations have already begun.

b. "Immediate family" means spouse, parents, grandparents, children, and persons living within the household, regardless of relationship.

10.03. *Disclosure.* All Committee members shall be required to file a conflict of interest disclosure form on an annual basis on or before August 1. The disclosure form shall be filed with the Tribal Council Recorder.

10.04. *Confidentiality of Disclosure.* The disclosure form shall be maintained in a confidential manner and shall not be subject to release except as set forth herein. Disclosure forms shall be maintained for a four year period, after which such forms may be properly disposed of.

a. *Committee.* The Tribal Council shall forward a notice of conflict of interest to the Committee member, and the Committee, for correction.

b. *Written Request.* The Committee member may request in writing a copy of a filed disclosure form.

10.05. *Information Required to be Disclosed.* The following information shall be disclosed and included in the disclosure form. Provided that, the Tribal Council may require additional information

that is reasonably related to identifying potential conflicts of interest.

- a. Name and residence address of the Committee member and names and relationship to the Committee member of every person residing at that address.
- b. Name and address of every business in which the Committee member, has an economic interest or is employed.
- c. Identification of every public office held by the Committee member.
- d. A description of the goods and services provided by every business or employer listed in subsection (b).
- e. Location and description of all real property, in which the Committee member and/or every person listed in subsection (a), held any legal title or leasehold, business site, investment or other beneficial interest currently and during the preceding disclosure period, excluding the primary personal residence. In the alternative, a statement that the Committee to which the Committee member is appointed does not manage, buy, sell or otherwise have an interest in acquiring, managing, buying, or selling real property.
- f. A statement that every Committee member is required to notify the Committee that he or she has received or given a gift or loan that exceeds \$100.00 to any person with which the Committee has or may do business.
- g. A statement at the end which reads substantially similar to that set out herein.

I, _____, as a member of [Committee name] do hereby certify that the information above is true and correct and that failure to accurately and clearly identify any and all requested information may result in my removal from the [Committee name]. Further, I agree that in the event a conflict of interest is identified, that I have five business days, or a reasonable time approved by the [Committee name] to correct such conflict of interest or be subject to removal.